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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,525	06/24/2003	Ulrich Bantle	VO-647	1764
42419	7590	03/03/2006	EXAMINER	
PAULEY PETERSEN & ERICKSON 2800 WEST HIGGINS ROAD SUITE 365 HOFFMAN ESTATES, IL 60195			BOSWELL, CHRISTOPHER J	
			ART UNIT	PAPER NUMBER
			3676	

DATE MAILED: 03/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/602,525	BANTLE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Christopher Boswell	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 06 February 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,4,5,7-10 and 14-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,4,5,7-10 and 14-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 24 June 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

**DETAILED ACTION*****Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the permanent magnet must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “42” has been used to designate both a lever and a bearing.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Double Patenting***

Claim 4 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 1.

When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-5, 7-10 and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,516,640 to Jacobs et al., in view of U.S. Patent Number 5,117,664 to Kurozu et al., and in further view of U.S. Patent Number 6,539,756 to Bartels et al.

Jacobs et al. discloses the invention substantially as claimed. Jacobs et al. discloses a lock (10) including a bolt (40) that can be displaced by an actuating element (14) between an open position and a locking position, wherein a blocking piece (50 and 54) which blocks the actuating element in the locking position is assigned to the actuating element and wherein the blocking piece is moved from the locking position into the opened position by a solenoid (18), the lock having the blocking piece movable out of the opened position into the locking position

by a manually operable operating part (58; column 8, lines 61-65), the operating part (58) having a lever (22), which moves the blocking piece from the opened position into the locking position by a key element (column 8, lines 55-58), the blocking piece is a part of an actuator (20) which in the opened position is maintained under a spring bias (56), and the actuator is actuated by the lever (column 4, lines 42-53), as in claims 1 and 4. However, Jacobs et al. do not disclose a permanent magnet retaining the actuator in the open position. Kurozu et al. teaches of an actuator (18b), that is actuated by a solenoid (18a) to an actuated position, where the actuator in a locking position is maintained against a permanent magnet (18d) in the analogous art of electrically actuated locking assemblies for the purpose of holding the actuator rod in a predetermined position. It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a permanent magnet in the locking assembly in a location that would maintain the actuator in the open position by the permanent magnet, where the actuator would be lifted off the permanent magnet by the lever in order to holding the actuator rod in a predetermined position.

Moreover, Jacobs et al. and Kurozu et al. do not disclose a switching element that emits a signal when the blocking piece reaches the locking position or transitions from the open position to the locking position. Bartels et al. teaches of a lock with a bolt (22) that is displaced by an actuating element (25) where a blocking piece (28) blocks the actuating element and a switching element (10) that emits a switching signal to confirm when the blocking piece reaches the locking position or transitions from the opened position into the locking position (column 4, lines 4-12), and a code input device (the master control system, column 4, lines 4-12) that processes the switching signal, as in claim 18 in the same field of endeavor. It would have been obvious to

one with ordinary skill in the art at the time the invention was made to incorporate a switch, as taught by Bartels et al., into the lock device, wherein the switch would be activated by the actuator, as in claims 7 and 14, when the blocking piece moves into the locked position, or transitions from the open position to the locked position, where the switch would be operated by the operating part in the lock device of Jacobs et al. and Kurozu et al.; therefore, by placing the switch and code input device into the locking device of Jacobs et al. and Kurozu et al. the switch would be operated by the operating part in order to emit a signal notifying the location of the blocking piece.

Jacobs et al. further disclose the operating part being maintained under spring tension (56) in an initial position associated with the opened position of the lock, as in claim 5, wherein the actuator (20) is an armature of the solenoid (column 4, lines 25-28), as in claims 8 and 15.

Jacobs et al. additionally disclose the actuating element being rotatably seated around an axis of rotation in a lock housing (figures 2-3), and the actuating element has a receptacle (48) for the blocking piece (50 and 54), which forms a stop in a circumferential direction on at least one of two sides of the inserted blocking piece (figures 2-5), as in claims 9 and 16, and where the locking position of the actuator blocks a displacement in a direction toward the actuating element (figures 2-5), as in claims 10 and 17, as well as by pressing the key element operates the operating part to move the blocking piece from the opened position into the locking position (column 8, lines 55-65), as in claim 19.

***Response to Arguments***

Applicant's arguments, filed February 6, 2006, with respect to the rejection(s) of claim(s) 1-5, 7-12 and 14-19 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of a different interpretation of the previously applied references in view of a newly found prior art reference. Where the newly applied reference teaches of a permanent magnet that holds an actuator in a predetermined position.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to electrically actuated locking assemblies:

U.S. Patent Number 6,442,986 to Rusell et al., U.S. Patent Number 5,823,017 to Hapke et al., U.S. Patent Number 5,487,289 to Otto, III et al., U.S. Patent Number 5,339,662 to Goldman, U.S. Patent Number 4,848,115 to Clarkson et al., U.S. Patent Number 4,946,207 to Gillham, U.S. Patent Application Number 2004/0055346 to Gillert.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3676

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJB CB  
February 24, 2006



Suzanne Dino Barrett  
Primary Examiner